



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** February 1, 2007  
**AGENDA DATE:** February 8, 2007  
**PROJECT ADDRESS:** 2540 Selrose Lane (MST2006-00533; CDP2006-00023)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Jan Hubbell, AICP, Senior Planner  
Chelsey Swanson, Assistant Planner

### **I. PROJECT DESCRIPTION**

The project consists of a proposal to demolish an existing 1,531 square foot single-family residence and 486 square foot garage, and construct a new two-story 3,147 square foot residence with an attached 499 square foot garage and detached 273 square foot accessory building in the Appealable Jurisdiction of the Coastal Zone. Approximately 237 cubic yards of grading is proposed.

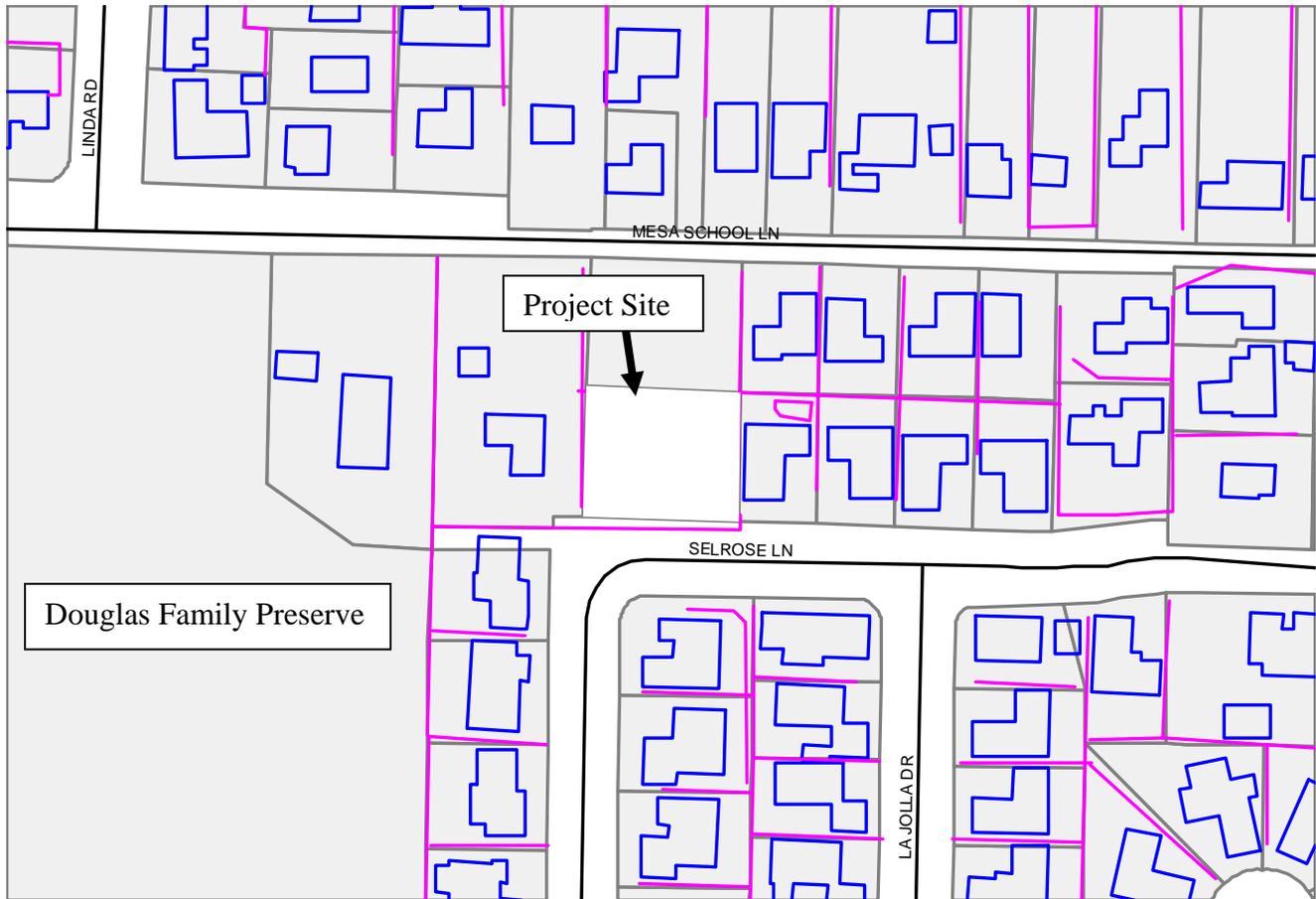
### **II. REQUIRED APPLICATIONS**

The discretionary application required for this project is:

A Coastal Development Permit to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC§28.45.009).

### **III. RECOMMENDATION**

The proposed project conforms to the City's Zoning and Building Ordinances, General Plan and policies of the Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 2540 Selrose Lane

**APPLICATION DEEMED COMPLETE:** January 4, 2007  
**DATE ACTION REQUIRED:** March 5, 2007

**IV. SITE INFORMATION AND PROJECT STATISTICS**

**SITE INFORMATION**

Applicant: Richard T. Thorne	Property Owner: Frank and Jeri Wascoe
Parcel Number: 041-311-035	Lot Area: 11,987 net square feet
General Plan: Residential – 5 units per acre	Zoning: E-3/SD-3, Single-Family Residence and Coastal Overlay Zone
Existing Use: Residential	Topography: ~7% average slope
Adjacent Land Uses: North - Single-Family Residential                      East - Single-Family Residential South - Single-Family Residential                      West - Single-Family Residential	

**PROJECT STATISTICS**

	Existing (sq. ft.)	Proposed (sq. ft.)
Living Area	1,531	3,045
Garage	486	499
Accessory Space	0	375
Grand Total	2,017	3,919

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior	20' 6'	35' ,	31.44' 6'
Building Height	30'	22'-9"	26'
Parking	2 covered	2 covered	2 covered
Open Yard	1,250 sq.ft.	>1,250 sq. ft.	1,268 sq. ft.
Lot Coverage			
-Building	N/A	2,103 sq. ft.    17%	2,952 sq. ft.    23%
-Paving/Driveway	N/A	2,769 sq. ft.    24%	2,653 sq. ft.    23%
-Landscaping	N/A	7,125 sq. ft.    59%	6,382 sq. ft.    54%

The proposed project is consistent with the regulations of the E-3, single-family residence zone related to building height, solar access, open yard requirements and parking.

## **VI. ISSUES**

### **A. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on October 2, 2006 (meeting minutes are attached as Exhibit D). The project was continued indefinitely to the Planning Commission with positive comments from the ABR. The ABR also requested that the applicant study utilizing stone at the chimney element and that high quality carriage doors be utilized for the garage. Stone has been added to the chimney and no other changes have been made. Preliminary and final approvals, with Neighborhood Preservation Ordinance findings by the ABR, will be required following Planning Commission approval of the project.

### **B. NEIGHBORHOOD COMPATIBILITY**

The existing floor to lot area ratio (FAR) at the project site is .17 and the proposed project would result in a total FAR of .33. The applicant provided County Assessor data for approximate house and garage size and total FARs for the twenty closest lots in the neighborhood. The data revealed that the average total house + garage size in the vicinity of the project is approximately 2,139 square feet and the average FAR is approximately .27.

As part of the City's effort to update the Neighborhood Preservation Ordinance (NPO), a Draft formula for determining potential future maximum FARs for two-story homes in the City was created. According to this formula, the maximum size for a two-story home, including the garage, for an 11,987 square foot lot would be 3,998 square feet with an FAR of .33. The project includes a new two-story residence and attached garage and a small one-story accessory structure resulting in a total of 3,919 square feet with a .33 FAR; therefore, slightly under the proposed future maximum FAR. Although the project would result in one of the larger homes on the block, the addition conforms to the overall pattern of development along Selrose Lane, which is a mix of one- and two-story homes with a variety of architectural styles. Staff believes the size, bulk, and scale and overall design of the project would be compatible with the surrounding neighborhood and also meets the proposed maximum FAR for the lot.

### **C. COMPLIANCE WITH THE GENERAL PLAN AND LOCAL COASTAL PLAN**

#### **GENERAL PLAN CONSISTENCY**

The project site is located in the West Mesa neighborhood as identified in the Land Use Element of the General Plan and has a land use designation of Residential, five units per acre. The Land Use Element describes the development in West Mesa as similar to the East Mesa with single-family development, as well as some duplex and multiple-family development. The new residence would remain consistent with the pattern of single-family residential development in the area, which is a mixture of one- and two-story homes. Further, the new single-family residence would not change the existing density of the project site.

### **LOCAL COASTAL PLAN CONSISTENCY**

The project site is located within the Coastal Zone and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act. The project is in Component Two of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and the westerly boundary of Santa Barbara City College. The LCP states that the primary land use of this area, referred to as the Mesa, is single-family residential and has very limited additional development potential. The major coastal issues identified for Component Two include protection of the riparian habitat of Arroyo Burro Creek; hazards of seacliff retreat and flooding; maintaining and providing safe access along the bluffs; preventing overuse of public facilities; protection of recreational access protection of archaeological resources; maintenance of existing coastal views and open space; and provision of adequate circulation on Las Positas Road.

The project site is located near the Douglas Family Preserve, but would not block coastal or public views or impact open space areas. The site is not located on a coastal bluff or in an archaeological sensitivity zone. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

### **D. ENVIRONMENTAL REVIEW**

Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, new construction of small structures.

## **VII. FINDINGS**

Planning Staff recommends that the Planning Commission approve the Coastal Development Permit, and Modifications, subject to the findings outlined below and the conditions of approval contained in Exhibit A.

### **A. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

The project is consistent with the policies of the California Coastal Act, the City's Local Coastal Plan, all implementing guidelines, and applicable provisions of the Code because the new residence and detached accessory building would be compatible with the existing neighborhood, would not be visible from the beach, would not impact views from public view corridors, would not impact public access, and would not contribute to safety or drainage hazards on the site.

#### Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated October 9, 2006
- D. Architectural Board of Review Minutes, dated October 2, 2006

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

2540 SELROSE LANE  
(MST2006-00533/CDP2006-00023)  
*COASTAL DEVELOPMENT PERMIT*  
FEBRUARY 8, 2007

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:
- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
  2. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 8, 2007 is limited to approximately 3,919 square feet of building area, including one dwelling unit and one accessory structure, and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
  4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- B. **Design Review.** The following is subject to the review and approval of the (Architectural Board of Review (ABR):
1. **Tree Protection Measures.** The site plan and grading plan shall include the following tree protection measures:

- a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
- b. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
- c. All excavation within the dripline of the oak trees shall be done with hand tools.

**C. Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
2. **Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Selrose Lane. As determined by the Public Works Department, the improvements shall include removing any uplifted and/or cracked sidewalk and replace with new City standard sidewalk and drought tolerant parkway planting. Any existing survey monuments or contractor stamps shall be preserved and/or reset under the direction of the Public Works Inspector. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
3. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
4. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

**D. Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

1. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological

resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

2. **Design Review Requirements.** Plans shall show all design and tree protection elements, as approved by the ABR, outlined in Section B above.
3. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

---

Property Owner

Date

---

Contractor

Date

License No.

---

Architect	Date	License No.
Engineer	Date	License No.

**E. Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

- Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day .....	January 1st*
Martin Luther King's Birthday .....	3rd Monday in January
Presidents' Day .....	3rd Monday in February
Memorial Day .....	Last Monday in May
Independence Day .....	July 4th*
Labor Day .....	1st Monday in September
Thanksgiving Day .....	4th Thursday in November
Following Thanksgiving Day .....	Friday following Thanksgiving Day
Christmas Day .....	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

- Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
- Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
- Tree Protection.** Notes on the grading plan that specify the following:

- a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of development.
- b. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
- c. All excavation within the dripline of the oak trees shall be done with hand tools.

**F. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements caused by construction (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility undergrounding.

**G. Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses and costs of that independent defense.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two

- (2) years from the date of approval, per Santa Barbara Municipal Code §28.45.009.q, unless:
1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
  2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
  3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.